

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:23-cv-00467-MWF-AJR

Date: August 26, 2024

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Title: Maykel J. Castilla Sanchez v. OCSD Personnel, et al.

DOCKET ENTRY: **ORDER TO SHOW CAUSE RE FAILURE TO FILE THIRD AMENDED COMPLAINT AND WHY THIS ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

PRESENT:

HONORABLE A. JOEL RICHLIN, UNITED STATES MAGISTRATE JUDGE

Claudia Garcia-Marquez _____ None _____ None
Deputy Clerk Court Reporter/Recorder Tape No.

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANTS:

None Present None Present

PROCEEDINGS: (IN CHAMBERS)

On May 6, 2024, *pro se* Plaintiff Maykel J. Castilla Sanchez (“Plaintiff”), a pretrial detainee formerly confined at the Orange County Jail, filed a Second Amended Complaint pursuant to 42 U.S.C. § 1983. (Dkt. 27.) On June 17, 2024, the Court issued an order dismissing the Second Amended Complaint with leave to amend. (Dkt. 30.) Plaintiff had until July 17, 2024 to file a Third Amended Complaint. (*Id.*) On July 10, 2024, the Court granted Plaintiff until August 9, 2024 to file a Third Amended Complaint. (Dkt. 35.)

Nearly three weeks have passed since Plaintiff’s deadline to file a Third Amended Complaint in response to the Court’s order. As of today, Plaintiff has neither filed an amended complaint nor requested an extension of time in which to do so. The action cannot move forward unless and until Plaintiff files an amended complaint. **As the Court previously advised Plaintiff, failure to file a Third Amended Complaint will result in a recommendation that this action be dismissed with prejudice for failure to**

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prosecute and/or obey Court orders pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff is ordered to file a Third Amended Complaint, if any, by **September 9, 2024** or show cause why the action should not be dismissed with prejudice for failure to prosecute. If Plaintiff chooses to file a Third Amended Complaint, it should bear the docket number assigned to this case (8:23-cv-00467-MWF-AJR), be labeled “Third Amended Complaint,” and be complete and of itself without reference in any manner to the original Complaint, the First Amended Complaint, the Second Amended Complaint, or any other documents (except any documents that Plaintiff chooses to attach to the Third Amended Complaint as exhibits). Plaintiff is encouraged to state his claims in simple language and provide only a brief statement of supporting facts, omitting facts that are not relevant. Should Plaintiff decide to file a Third Amended Complaint, he is encouraged to utilize the CV-66 form complaint attached to this Order.

If Plaintiff no longer wishes to pursue this action or certain claims or defendants, he may voluntarily dismiss the entire action, certain claims, or certain defendants by filing a Notice of Dismissal in accordance with Federal Rule of Civil Procedure 41(a)(1). A form Notice of Dismissal is attached for Plaintiff's convenience.

IT IS SO ORDERED.

Attachment:

CV-09, Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c).

CV-66, United States District Court, Central District of California Civil Rights Complaint.